

REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Applicants assert that the present invention is new, non-obvious and useful. Favorable reconsideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 81-99 are currently pending in the Application. Claims 86-89 and 92-96 have been withdrawn from consideration. Claims 95 and 96 have been cancelled without prejudice to their filing in a continuation or divisional application, and new claims 101 and 102 have been added. Claims 81, 90, 97 and 100 have been amended in order to clarify what the Applicants consider to be the invention, and not in response to a prior art rejection. No new matter has been added.

CLAIM REJECTIONS

35 U.S.C. §§ 102/103 Rejection

In the Office Action, the Examiner rejected claims 81, 85 and 97-100 under 35 U.S.C. § 102 or in the alternative under 35 U.S.C. § 103(a), as being unpatentable over Cline et al. (US Patent No. 6,462,770).

Applicants respectfully traverse the rejection of claims 81, 85 and 97-100 under 35 U.S.C. § 102, or in the alternative under 35 U.S.C. § 103(a), in view of the remarks that follow.

Cline alters the intensity of ICCDs in a fluorescence camera head after measuring light over a period of time, during which a number of images are captured. See Cline col. 4, lines 29-60, col. 1, line 2, col. 3, lines 20-25.

In contrast, Applicants' independent claim 81 includes, inter alia, "during an imaging period, operate the light source to emit white light, record the amount of the white light that is reflected to the imaging device, [[and]] control the image gain level of the imager based on the amount of the white light that is reflected to the imaging device, and capture and transmit an image frame" (emphasis added). Thus, Applicants' claim 81 requires altering gain for

APPLICANT(S): AVNI, Dov et al.
SERIAL NO.: 10/551,053
FILED: May 16, 2007
Page 6

each frame, within an imaging period, based on feedback obtained within that imaging period. Cline does not include adjusting gain during and within an image capture period, and does not include adjusting the gain for each frame captured.

Applicants' claim 81 also alters gain for a white light system, not a fluorescence system (as in Cline).

Therefore, claim 81 as amended (and as pending prior to the current amendments) is allowable over Cline. While each of amended independent claims 97 and 100 includes different limitations than those described above, each of these claims is allowable over Cline for similar reasons as claim 81.

Each of claims 85, 98 and 99 depends from one of claims 81 and 97, and includes all the limitations thereof. Therefore, each of claims 85, 98 and 99 is likewise allowable over Cline.

Accordingly, Applicants respectfully request that the rejection of claims 81, 85 and 97-100 under 35 U.S.C. § 102, or in the alternative under 35 U.S.C. § 103(a), be withdrawn.

35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 82-84 under 35 U.S.C. § 103(a), as being unpatentable over Cline in view of Alfano et al. (US Patent No. 6,240,312).

As discussed above, claim 81 is patentable over Cline. Each of claims 82-84 depends from claim 81, and includes all the limitations thereof. Alfano does not cure the deficiencies of Cline. Therefore, each of claims 82-84 is allowable over Cline in combination with Alfano.

Accordingly, Applicants respectfully request that the rejection of claims 82-84 under 35 U.S.C. § 103(a) as being unpatentable over Cline in view of Alfano be withdrawn.

In the Office Action, the Examiner rejected claims 90-91 under 35 U.S.C. § 103(a), as being unpatentable over Cline in view of Nagasaki et al. (US Patent No. 4,631,582).

Claim 90 is patentable over Cline for reasons similar to the reasons that claim 81 is patentable over Cline. Nagasaki does not cure the deficiencies of Cline. Therefore, claim 90

APPLICANT(S): AVNI, Dov et al.
SERIAL NO.: 10/551,053
FILED: May 16, 2007
Page 7

is patentable over the combination of Cline and Nagasaki. Claim 91 depends from claim 90, includes all the limitations thereof, and is therefore likewise patentable.

Accordingly, Applicants respectfully request that the rejection of claims 90-91 under 35 U.S.C. § 103(a), as being unpatentable over Cline in view of Nagasaki be withdrawn.

New Claims

Each of new claims 101 and 102 depends from one of claims 81 and 90, which as discussed above are allowable. Therefore new claims 101 and 102 are likewise allowable.

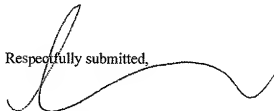
Conclusion

In view of the foregoing amendments and remarks, Applicants assert that the pending claims are allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this paper, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

No fees are believed to be due in connection with this paper. However, if any such fees are due, please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



Caleb Pollack
Attorney/Agent for Applicant(s)
Registration No. 37,912

Dated: February 22, 2010

Pearl Cohen Zedek Latzer, LLP
1500 Broadway, 12th Floor
New York, New York 10036
Tel: (646) 878-0800
Fax: (646) 878-0801